Law Practice Certificate Scenarios

Claimant lodges a claim s37 MAI Act

BEFORE

Law practice retained

Claimant retains law practice BEFORE lodging a NOAC

Law Practice MUST:

- Complete and give LPC to claimant before lodging their claim.

s36A MAI Act

Sale of law practice

Sale of law practice to another law practice (all or part of the business and claimant is referred to new practice as part of sale) BEFORE lodging NOAC

Selling Law Practice MUST:

- Complete and give LPC to new law practice; and
- Give copy of LPC to claimant.

s36E(2) MAI Act

Buying Law Practice MUST:

- If no LPC received from the selling law practice before referral occurs, give a notice to MAIC, as soon as practicable, stating that the new law practice has not received the LPC.

s36E(3) MAI Act

AFTER

Law practice retained

Claimant retains law practice or switches to a different law practice AFTER lodging a NOAC

Law Practice MUST:

- Complete and give LPC to the insurer within 1 month after the law practice is retained.

s37AB MAI Act

Sale of law practice

Sale of law practice to another law practice (all or part of the business and claimant is referred to new practice as part of sale) AFTER lodging NOAC

New Law Practice MUST:

- Complete and give LPC to the insurer within 1 month after claimant is referred to new practice.

s37AB MAI Act

Claim progresses

Finalisation of claim by either settlement or judgment

Matter finalises through settlement or judgment

Law Practice MUST:

- Complete LPC as soon as practicable after the offer or counteroffer is accepted or judgment is given; and
- Within 7 days after the acceptance or judgment, give LPC to:
  - the insurer; and
  - a copy to the claimant.

s41A MAI Act

When does acceptance of an offer occur?

- The date of the written response from either the claimant or the insurer indicating acceptance of an offer (or counteroffer) of settlement to the other party.

Where an insurer does not receive an LPC within the legislative timeframes under s.41A and s.37AB, the insurer is required to report this to MAIC.

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MAIC Motor Accident Insurance Commission